

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

JEFFREY DESKOVIC,

Plaintiff,

-against-

CITY OF PEEKSKILL, et al.,

Defendants.

-----X

LINDA MCGARR,

Plaintiff,

-against-

CITY OF PEEKSKILL, et al.,

Defendants.

-----X

CITY OF PEEKSKILL, et al.,

Third-Party Plaintiff,

-against-

WESTPORT INSURANCE COMPANY, et al.,

Third-Party
Defendants.

-----X

Index No. CV-07-8150 (KMK)
(GAY)

Index No. CV-07-9488 (KMK)
(GAY)

**JOINDER OF AMERICAN
MOTORISTS INSURANCE
COMPANY, AS SUCCESSOR
IN INTEREST TO BOTH
AMERICAN PROTECTION
INSURANCE COMPANY AND
SPECIALTY NATIONAL
INSURANCE COMPANY, TO
WESTPORT INSURANCE
CORPORATION'S REPLY IN
SUPPORT OF ITS MOTION
TO DISMISS COUNT III OF
THE FIRST AMENDED
THIRD-PARTY COMPLAINTS**

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Third-Party Defendant American Motorists Insurance Company, as successor in interest to both American Protection Insurance

Company (“AMPICO”) and to Specialty National Insurance Company (“SNIC”) (collectively, “AMICO”), hereby joins the Reply of Westport Insurance Corporation (“Westport”) in Support of the Motion to Dismiss Count III of the First Amended Third-Party Complaints. For the same reasons stated in Westport’s Reply, its Motion to Dismiss and Memorandum of Law, AMICO requests that the Court dismiss Count III of the First Amended Third-Party Complaints against it pursuant to Fed. R. Civ. P. 12(b)(6).

WHEREFORE, Third-Party Defendant AMICO respectfully requests that the Court grant Westport’s Motion to Dismiss and AMICO’s Joinder thereto and, accordingly, dismiss with prejudice Count III of the First Amended Third-Party Complaints.

Dated: May 14, 2012

MECKLER BULGER TILSON
MARICK & PEARSON LLP

By /s/ Karen M. Dixon
Karen M. Dixon (admitted *pro hac vice*)
Meckler Bulger Tilson
Marick & Pearson LLP
123 N. Wacker Drive, Suite 1800
Chicago, IL 60606
(312) 474-7913 (phone)
(312) 474-7898 (fax)

Anthony R. Gambardella
Michael E. Buckley
Rivkin Radler LLP
926 RXR Plaza
Uniondale, New York 11556-0926
(516) 357-3000 (phone)
(516) 357-3333 (fax)

Attorneys for Third-Party Defendant
American Motorists Insurance Company, as
successor in interest to both American
Protection Insurance Company and
Specialty National Insurance Company

CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2012 a copy of the foregoing was filed electronically. Notice of this filing will be sent to the parties by operation of the court's electronic filing system. Parties may access this filing through the court's system.

Dated: May 14, 2012

MECKLER BULGER TILSON
MARICK & PEARSON LLP

By /s/ Karen M. Dixon
Karen M. Dixon (admitted *pro hac vice*)
Meckler Bulger Tilson
Marick & Pearson LLP
123 N. Wacker Drive, Suite 1800
Chicago, IL 60606
(312) 474-7913 (phone)
(312) 474-7898 (fax)

Anthony R. Gambardella
Michael E. Buckley
Rivkin Radler LLP
926 RXR Plaza
Uniondale, New York 11556-0926
(516) 357-3000 (phone)
(516) 357-3333 (fax)